

REMARKS

Applicant respectfully requests reconsideration. Claims 1-58 and 76-106 were pending in this application. Claims 2-5, 20, 25-75 and 92-109 have been cancelled. Claims 110-113 have been added. No new matter has added. Claims 1, 6-19, 21-24, 76-91 and 110-113 are now pending in the application with claims 1 and 76 being independent.

Rejections in View of Noel

Claims 1-19, 23-36 and 40 were rejected under 35 U.S.C. §103(a) are being unpatentable over U.S. Patent No. 5,904,965 (Noel).

Claim 1 has been amended to recite that the foam article is free of an auxiliary layer formed on a surface of the foam article that limits water absorption. This limitation was formerly in dependent claim 20 which does not stand rejected on this ground since it is not taught or suggested by Noel. Therefore, claim 1 is patentable in view of Noel. The remaining pending claims that stand rejected on this ground depend from claim 1 and are also patentable for at least this reason.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

Rejections in View of Dumbauld

Claims 20-22, 37-39, 41-58 and 76-106 were rejected under 35 U.S.C. §103(a) are being unpatentable over U.S. Patent No. 5,070,111 (Dumbauld).

It appears that the water absorption testing described in Dumbauld was conducted without any vacuum being applied. In contrast, in the context of the present application, “complete submersion water absorption,” is measured by completely immersing an entire sample in water under high vacuum, for example according to ASTM D 1056 Sections 42 through 48 (See page 6, last paragraph). The absence of an applied vacuum in the testing described in Dumbauld would be expected to lead to significantly lower water absorption values as compared to values measured on the same sample using a “complete submersion” test as described in the present application.

Therefore, the water absorption values disclosed in Dumbauld do not anticipate, or even make obvious, the values claimed in the present application which were obtained using a complete submersion water absorption test with an applied vacuum following procedures noted above and in the application. Claim 1, and its dependent claims, recite a complete submersion water absorption value, and, thus, are patentable in view of Dumbauld.

As noted in the Office Action, Dumbauld does not disclose any values from U-test water absorption. Applicant respectfully disagrees that the claimed U-test values would have been inherent in the material described in Dumbauld. Applicant sees no reason why the claimed U-test water absorption would have been met in Dumbauld, particularly since, as noted above, the water absorption testing in Dumbauld appears to have been done without any vacuum applied. Claim 76, and its dependent claims, recite a U-test water absorption value, and, thus, are patentable in view of Dumbauld.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

New Claims

New claims 110-113 depend from independent claims which are patentable over the cited references for the reasons noted above. Thus, the new claims are also patentable for at least these reasons.

Dated: October 31, 2007

Respectfully submitted,

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